

Text Amendment Application No.
Boston Redevelopment Authority
Harborpark Interim Planning
Overlay District

TO THE ZONING COMMISSION
OF THE CITY OF BOSTON:

The Boston Redevelopment Authority petitions to amend the text of the Boston Zoning Code by inserting after Article 27B, for a period of twenty-four months from the effective date of this amendment, the following Article:

ARTICLE 27C

HARBORPARK INTERIM PLANNING OVERLAY DISTRICT

SECTION 27C-1. Statement of Purpose. The purposes of this article are to facilitate rezoning of the land along Boston's waterfront; to protect the area under study from inappropriate land uses; to promote balanced growth along Boston's shoreline; to allow the waterfront to be used as a public resource and thereby to extend its use and benefits to the greatest number of people; to establish in collaboration with the community zoning that guarantees waterfront access, promotes residential, mixed-use commercial, industrial, and manufacturing activities compatible with adjacent areas; to promote uses which improve the integration of the harbor and its surrounding neighborhoods; to protect the working waterfront and preserve adequate areas for deep-water shipping and other water-dependent uses; and to establish goals which provide a context for East Boston waterfront zoning revisions.

SECTION 27C-2. Declaration of Need for Interim Zoning. Interim zoning in the Harborpark IPOD Study Area is necessary to provide the proper balance between competing land uses and economic and environmental factors.

Characteristics of existing zoning that render it inappropriate include its failure to: discourage and prevent the establishment of environmentally hazardous and inappropriate uses along the waterfront; encourage maritime-dependent uses; prevent the intermingling of inappropriate industrial and manufacturing uses with residential, commercial, cultural, recreational, and public open space uses in the Inner Harbor/Waterfront planning area; discourage conflicts between waterfront-industrial, general manufacturing, and light manufacturing uses with existing and anticipated public recreational, commercial, residential, and light manufacturing uses in the South Boston Piers planning area; prohibit the juxtaposition of residential and public recreational uses at Malibu and Tenean Beaches with incompatible waterfront-industrial and manufacturing uses; separate existing residential, recreational, public open space, and commercial uses incompatible waterfront-industrial and manufacturing uses; and prevent encroachment of residential, office and commercial uses in the Charlestown Waterfront planning area and other areas where water-dependent industrial uses are or may be situated.

SECTION 27C-3. Definitions. For the purposes of this article only, the following words or phrases, when capitalized, shall have the meanings indicated.

1. "Applicant" shall mean any person or entity having a legal or equitable interest in property which is subject to the requirements of this article, as set forth in Section 27C-5.
2. "Harborpark IPOD" shall mean the regulations imposed by this article.

3. "Harborpark IPOD Study Area" shall mean the area defined in Section 27C-4.
4. "Proposed Project" shall mean any construction, reconstruction, alteration, or rehabilitation of a structure for which the Applicant is required to obtain a building permit.
5. "Residential Uses" shall mean use item numbers 1, 1A, 2, 3, 4, 5, 6, and 7, as described in Table A, Section 8-7.
6. "Substantially Rehabilitate" shall mean to cause alterations or repairs to be made to a building or structure, within any period of twelve (12) months, costing more than fifty percent (50%) of the assessed value of the building or structure prior to such alterations or repairs, such value to be based on the assessed value for real estate tax purposes as of the assessment date preceding the application.
7. "Underlying Zoning" shall mean all zoning regulations, with the exception of this article, which are contained within the Boston Zoning Code and accompanying maps.

SECTION 27C-4. Physical Boundaries. This article shall be applicable only in the Harborpark IPOD Study Area which shall be divided into sixteen (16) subdistricts as depicted in Appendix A and described in Appendix B and which shall be comprised of the area contained in the four planning areas as depicted in Appendix A and described as follows.

1. "Inner Harbor/Waterfront" shall be a planning area described as follows:
From the intersection of the centerline of the North Washington Street

Bridge and the south seawall; west along the seawall; south approximately 80' to the line of the existing exterior building wall, east along said line and building to the centerline of the bridge to Keany Square; east to Commercial Street to Atlantic Avenue to Northern Avenue.

2. "South Boston Piers" shall be a planning area described as follows: From the intersection of Atlantic Avenue and Northern Avenue along Northern Avenue to a point on a line parallel to the water's edge at Fort Point Channel at a distance of thirty-five (35') feet from the water's edge; southwesterly along said line to the Dorchester Avenue Bridge; southerly across said Bridge to a point on a line parallel to the water's edge at the southern bank of Fort Point Channel at a distance of thirty-five (35') feet from said water's edge; northeast along said line to Northern Avenue; southeast along the Northern Avenue to Viaduct Road; Viaduct Road and C Street to Bolton Street; easterly along Bolton Street to Dorchester Street; north along Dorchester Street to a point on a line parallel to East Second Street at a distance of one hundred fifty (150') feet south of the centerline of East Second Street; easterly along said line to Farragut Road; Farragut Road to the northerly boundary of Marine Park; and along the northerly boundary of Marine Park and Castle Island to the east end of Castle Island.
3. "Dorchester Bay Beaches/Neponset River" shall be a planning area described as follows: From the east end of Castle Island along the northerly boundary of Castle Island and Marine Park to Farragut Road; Farragut Road to William Day Boulevard; William Day Boulevard to Columbia Road; Columbia Road to Old Colony Avenue; Old Colony Avenue to a point on a line parallel to Savin Hill Avenue which is also the southerly boundary of an M-1 district lying north of Savin Hill; easterly on said line to Morrissey Boulevard; south on Morrissey Boulevard to the northerly boundary of Malibu Beach Park; westerly along the northerly lines of Malibu Beach Park and McConnell Park to the Southeast Expressway; northerly along said Expressway to Bay Street; westerly on Bay Street to Dorchester Avenue; Dorchester Avenue to Freeport Street; Freeport Street to Morrissey Boulevard; south on Morrissey Boulevard to Victory Road; west on Victory Road to Houghton Street; southeast on Houghton Street to Pope's Hill Street; easterly by Pope's Hill Street to Salina Road and by the southern boundary of an I-2 district to Morrissey Boulevard; along Morrissey Boulevard to Gallivan Boulevard; Gallivan Boulevard to a point of an extension to Gallivan Boulevard of an M-1 district boundary line in Hallet-Davis Street; south on said line and Hallet-Davis Street to the old Penn Central tracks; along the tracks to Granite Avenue and continuing along the northwest boundary of the Metropolitan District Commission Park Reservation to Medway Street; along Medway Street to Adams Street; Adams Street to Dorchester Avenue; and Dorchester Avenue to the Milton boundary line. The Dorchester Bay Beaches and Neponset River sub-area defined under this Article excludes the Port Norfolk Interim Planning Overlay District established in Article 27A.

4. "Charlestown Waterfront" shall be a planning area described as follows: From the northernmost point of the Inner Harbor waterfront boundary, along a straight line from the Bridge to the easterly most point of the Cambridge/Boston boundary line; to Austin Street; northeasterly by Austin Street to Rutherford Avenue; easterly along Rutherford Avenue and Front Street to northeasterly along Front Street to Water Street, along Water Street to Chelsea Street; east on Chelsea Street to Medford Street; northwest on Medford Street to Sullivan Square; from Sullivan Square northwest on Mystic Avenue to the Somerville boundary; northeast along Somerville/Boston boundary and Everett/Boston boundary; southwest along Everett/Boston boundary to the boundary line in the Mystic River and along the latter boundary line to the Mystic-Tobin Bridge.

SECTION 27C-5. Applicability. Any Applicant seeking a building permit for exterior construction or alteration or a change of use permit for any Proposed Project within the Harborpark IPOD Study Area shall be subject to the requirements of this article if the Applicant seeks to erect a building or structure having a gross floor area in excess of one thousand (1,000) square feet; to enlarge or extend a building or structure so as to increase its gross floor area by more than one thousand (1,000) square feet; or to Substantially Rehabilitate a building or structure having, or to have after rehabilitation, a gross floor area of more than one thousand square feet (1,000) square feet. The following Proposed Projects, however, shall be exempt from such requirements.

1. Proposed Projects for Residential Uses of four or fewer dwelling units.
2. Proposed Projects for which a Planned Development Area development plan has been approved by the Zoning Commission.
3. Proposed Projects or parcels which are the subject of an executed land disposition agreement with the Boston Redevelopment Authority or the City of Boston as of the effective date of this article.

SECTION 27C-6. Zoning Regulations in Effect; Conflict Provisions. The Harborpark IPOD and Underlying Zoning shall together constitute the zoning regulations for the Harborpark IPOD Study Area. Upon expiration of this article, the Underlying Zoning shall be the sole set of zoning regulations for the Harborpark IPOD Study Area. Where conflicts between the Harborpark IPOD and the Underlying Zoning exist, the more restrictive provisions shall govern.

SECTION 27C-7. General Land Use Objectives for the Study Area. The general land use objectives for the four planning areas shall be as follows.

1. Inner Harbor Waterfront. The land use objectives for the Inner Harbor Waterfront shall be to provide for continuous public access along, to, and from the water; to promote pedestrian access along the water's edge through the design of projects and improvements; to regulate building height and massing so that structures do not create a high or dense wall along the waterfront that blocks sea breezes and air flow channels and obstructs views and access to the waterfront; to provide for water ferries, water taxis, excursion boats, and marinas; to protect the rights of the public in present and former tidelands; and to promote a mix of commercial, residential, and recreational land uses which will provide the transition from high-density downtown uses to water-dependent and water-enhanced uses.
2. South Boston Piers. The land use objectives for the South Boston Piers shall be to provide for continuous public access along, to, and from the

water; to promote safe pedestrian access along the water's edge through the design of projects and improvements; to regulate building height and massing so that structures do not create high or dense walls along the waterfront that block sea breezes and air flow channels and obstruct views and access to the waterfront; to protect the rights of the public in present and former tidelands; to protect and promote industrial maritime uses; to promote a mix of commercial and industrial land uses which are compatible with the adjacent residential areas; and to promote mixed uses which improve the connection between the harbor and the land.

3. **Dorchester Bay Beaches and Neponset River.** The land use objectives for the Dorchester Bay Beaches and Neponset River shall be to provide for continuous public access along, to, and from the water; to promote pedestrian access along the water's edge through the design of projects and improvements; to regulate building height and massing so that structures do not create high or dense walls along the waterfront that block sea breezes and air flow channels and obstruct views and access to the waterfront; To protect the rights of the public in present and former tidelands; to retain and enhance the open space, parks, and beaches along the harbor; and to promote residential uses; and to protect the residential areas from the intrusion of any industrial uses.
4. **Charlestown Waterfront.** The land use objectives for the Charlestown Waterfront shall be to provide for continuous public access along, to, and from the water; to promote safe pedestrian access along the water's edge through the design of projects and improvements; to regulate

building height and massing so that structures do not create high or dense walls along the waterfront that block sea breezes and air flow channels and obstruct views and access to the waterfront; to protect the rights of the public in present and former tidelands; to promote maritime industrial uses; to promote a mix of residential and commercial land uses in the Charlestown Navy Yard; to ensure that mixed-use commercial and water-dependent manufacturing activities are compatible with nearby residential areas; and to ensure that residential uses do not conflict with commercial and industrial development.

SECTION 27C-8. Boston Fan Piers Special Study Area. Subdistrict G shall be the Boston Fan Piers Special Study Area; such subdistrict shall not be subject to the interim use controls, interim height standards, or interim planning permit requirements of this article. Land use and development decisions for this Special Study Area shall be made in accordance with the provisions of Section 3-1A.a, or any superseding regulations governing the Planned Development Area process.

SECTION 27C-9. Boston Marine Industrial Park Special Study Area. Subdistrict I shall be the Boston Marine Industrial Study Area; such subdistrict shall not be subject to the interim use controls, interim height standards, or interim planning permit requirements of this article.

SECTION 27C-10. Charlestown Navy Yard Special Study Area. Subdistrict C shall be the Charlestown Navy Yard Special Study Area; such subdistrict shall not be subject to the interim use controls, interim height standards, or

interim planning permit requirements of this article. Land use and development decisions for this Special Study Area shall be made in accordance with the Charlestown Urban Renewal Plan.

SECTION 27C-11. Interim Use Controls. Proposed Projects within the Harborpark IPOD Study Area shall be subject to the interim use controls set forth in Table A of this section.

TABLE A
HARBORPARK INTERIM PLANNING OVERLAY DISTRICT
INTERIM USE CONTROLS

<u>Existing Zones</u>	<u>Uses⁺ Exempt from Interim Planning Permit Process</u>	<u>Uses⁺⁺ Subject to Interim Planning Permit Process</u>
<u>Inner Harbor Waterfront</u>		
M-2	none	All uses
I-2	none	All uses
B-8-U, B-8	1-6, 7*	All other uses
<u>South Boston Piers</u>		
W-2	none	All uses
I-2	none	All uses
M-1, M-2, M-4	none	All uses
<u>Dorchester Bay Beaches/ Neponset River</u>		
S-.5	1	All other uses
R-.5	1-6, 7*	All other uses
R-.8	1-6, 7*	All other uses
H-1, H-2	1-6, 7*	All other uses
B-1, B-2	1-6, 7*	All other uses
L-.5	1-6, 7*	All other uses
I-2	none	All uses
W-2	none	All uses
<u>Charlestown Waterfront</u>		
W-2	none	All uses
B-1, B-1-U	1-6, 7*	All other uses
I-2	none	All uses
H-1, H-2, H-1-U, H-2-U	1-6, 7*	All other uses
M-1, M-1-U	none	All uses

+ Use item numbers, as described in Table A, Section 8-7 of the Boston Zoning Code; such uses remain subject to the provisions of Underlying Zoning.

* Where total number of units does not exceed four.

++ Such uses remain subject to the provisions of Underlying Zoning.

SECTION 27C-12. Interim Height Standards. Harborpark IPOD Study Area subdistricts A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P shall be governed by height standards set forth in Table B of this section.

TABLE B
HARBORPARK INTERIM PLANNING OVERLAY DISTRICT
INTERIM HEIGHT STANDARDS

<u>Planning Area</u>	<u>Height</u>
Charlestown Waterfront	
o Subdistricts A, B, D	65'
o Subdistrict C	(1)
Inner Harbor Waterfront	
o Subdistrict E	55'
South Boston Piers	
o Subdistrict F	70'*
o Subdistricts G	(2)
o Subdistrict H, J	65'
o Subdistrict I	(3)
o Subdistrict K	50'
Dorchester Bay Beaches/Neponset River	
o Subdistricts L, N, P	40'**
o Subdistrict M	70'
o Subdistrict O	65'
(1) Charlestown Navy Yard Special Study Area (<u>See</u> Section 27C-10).	
(2) Boston Fan Piers Special Study Area (<u>See</u> Section 27C-8).	
(3) Boston Marine Industrial Park Special Study Area (<u>See</u> Section 27C-9).	
* Subdistrict F consists of the Fort Point Channel and a thirty-five foot (35') public access setback from the channel; no structures shall be permitted in Subdistrict F, except those necessary for public uses.	
** In Subdistricts L, N, and P no structures shall be permitted in publicly-owned open space except those accessory to open space uses.	

SECTION 27C-13. Standards for Issuance of Interim Planning Permit. The Board of Appeal shall not grant an interim planning permit unless it finds that the Proposed Project's benefits outweigh any burdens imposed and that the Proposed Project is in substantial accord with: (a) the land use objectives set forth in Section 27C-7; (b) the interim use controls set forth in

Table 1 in Section 27C-11; and (c) the height standards set forth in Table A in Section 27C-12. Where the Boston Redevelopment Authority has made a recommendation to the Board of Appeal on the issuance of an interim planning permit, the Board of Appeal shall follow such recommendation unless specific, written reasons for not doing so are incorporated in its decision.

SECTION 27C-14. Enforcement. The Commissioner of Inspectional Services shall not issue any building permit or change of use for a Proposed Project subject to this article unless the Board of Appeal has approved an interim planning permit for the Proposed Project in accordance with Section 27-3, and the Proposed Project complies with the requirements of this article.

SECTION 27C-15. Sunset Provision; Subsequent Amendments. This article shall be in effect for twenty-four months unless such period is extended pursuant to Section 27-2. While in effect, this article or portions of this article may be repealed or superseded by subsequent amendments to either this article or to the Underlying Zoning.

SECTION 27C-16. Timetable for Rezoning. A comprehensive rezoning of the Harborpark IPOD Study Area shall be completed within the timetable set forth below.

1. A citizen participation process shall be established within two months of the enactment of the Harborpark IPOD.
2. Mapping of existing uses, ownership, and zoning, and the identification of conflicting uses shall be completed within four months of the enactment of the Harborpark IPOD.

3. Establishment of rezoning objectives for the Harborpark IPOD Study Area shall be completed within eight months following enactment of the Harborpark IPOD.
4. Establishment of specific land use objectives, desired densities, and uses for subdistricts and parcels shall be completed within fifteen months following enactment of the Harborpark IPOD.
5. Submission of proposed zoning changes to the Boston Redevelopment Authority Board for petition to the Zoning commission shall be completed within twenty-four months from the enactment of the Harborpark IPOD.
6. The Zoning Commission hearing on any petition to adopt proposed zoning changes shall be completed within twenty-four month from the enactment of the Harborpark IPOD.

SECTION 27C-17. Regulations. The Boston Redevelopment Authority may promulgate regulations to administer this article.

SECTION 27C-18. Severability. If any provision or provisions shall be held invalid by a court of competent jurisdiction, such provision or section shall be deemed to be separate and apart from the remaining provisions of sections this article and such remaining provisions and sections shall continue in full force and effect.

Petitioner: Boston Redevelopment Authority

By: Stephen Coyle, Director

Address: One City Hall Square
Boston, Massachusetts 02201

Telephone: (617) 722-4300, Extension 201

Date: _____

Appendix B

Study Area Subdistrict Physical Boundaries

The Study Area shall consist of sixteen (16) subdistricts labeled A through N.

CHARLESTOWN

Subdistrict A

Subdistrict A shall have the following boundaries: from the intersection of Medford Street and the Mystic River Bridge northwest on Medford Street to Sullivan Square; along Rutherford Street to the intersection of Alford Street with Rutherford Street; north along Alford Street to the bank of the Mystic River; northwest to the Somerville/ Boston boundary; northeast along the Somerville/Boston and Everett/Boston boundary; southwest along the Everett/Boston boundary and Chelsea/Boston boundary to the Mystic River Bridge, south along the pierhead line to the Charlestown Navy Yard boundary; east and south along the Navy Yard boundary to the intersection of Medford Street and the Mystic River Bridge.

Subdistrict B

Subdistrict B shall have the following boundaries: From the intersection of Rutherford Street and the Somerville/Boston boundary northeast along the Somerville/Boston boundary to the Mystic River; south to Alford Street, southwest through Sullivan Square along the centerline of Rutherford Street; northwest along Rutherford Street to the Somerville/Boston boundary.

Subdistrict C

CHARLESTOWN NAVY YARD

Beginning at the intersection of the southern edge of Mystic Pier #1 and the pier and bulkhead line westerly to Mystic River Bridge to Chelsea Street, southwesterly along Chelsea Street to Water Street, southwesterly along Water Street to the southernmost boundary of the U.S.S. Constitution National Historic Park, easterly along said boundary to the pier and bulkhead line; north and northeasterly along the pier and bulkhead line to the southern most point of Pier II; from this point across the Little Mystic Channel in a straight line to the southern edge of Mystic Pier #1.

Subdistrict D

Subdistrict D shall have the following boundaries: from the intersection of the centerline of the North Washington Street Bridge and the northern sea wall, along a straight line from the Bridge to the easterly most point of the Cambridge/Boston boundary; to Austin Street; northeast by Austin Street to Rutherford Avenue; easterly along Rutherford Avenue and Front Street to northeasterly along Front Street to Water Street, to the easternmost boundary of the Charlestown Navy Yard and southerly along the boundary to the pierhead line southwest to the centerline of the North Washington Street Bridge.

INNER HARBOR/WATERFRONT

Subdistrict E

Subdistrict E shall have the following boundaries: from the intersection of the centerline of the North Washington Street Bridge and the south seawall; west along the seawall, south approximately 80' to the line of the existing

exterior building wall, east along said line and building to the centerline of the Bridge to Keany Square; east to Commercial Street, and southerly along Commercial Street to Atlantic Avenue; Atlantic Avenue to Northern Avenue; along Northern Avenue to a point on a line parallel to the water's edge, at Fort Point Channel at a distance of 35' from the water's edge; north along the pierhead to the intersection of the centerline of the North Washington Street Bridge and the south seawall.

SOUTH BOSTON PIERS

Subdistrict F

Subdistrict F shall have the following boundaries: from the intersection of Northern Avenue and a point on a line parallel to the water's edge at Fort Point Channel at a distance of 35' from the water's edge, southwest along said line to the Dorchester Avenue Bridge, southerly across said Bridge to a point on a line parallel to the water's edge at the southern bank of the Fort Point Channel at a distance of 35' from the water's edge, northeast along said line to Northern Avenue.

Subdistrict G

BOSTON FAN PIERS

The Boston Fan Piers are as depicted in the Master Plan for Planned Development Area Designations #23 and #24 on the attached map, and are bounded generally to the south by Northern Avenue, to the north and northeast by the Pier and Bulkhead Line, and to the southeast by a line which runs parallel to the southeastern edge of Pier 4 and intersects Northern Avenue at B Street.

Subdistrict H

Subdistrict H shall have the following boundaries: from the intersection of Northern Avenue and B Street easterly along Northern Avenue southerly along B Street to Summer Street; easterly along Summer Street to a point on a line halfway between the Fish Pier and General Ship northerly along said line to the pierhead and northeasterly along the pierhead to a point on a line perpendicular to B Street; southwest along said line to Northern Avenue.

Subdistrict I

BOSTON MARINE INDUSTRIAL PARK

The Boston Marine Industrial Park is depicted on the attached map and is bounded generally on the north and east by the pier and bulkhead line, on the south by the Reserve Channel, and on the west by Summer Street, Channel Street, Massport Mall Road, and Northern Avenue.

Subdistrict J

From the intersection of Harbor Street and Northern Avenue, southwest on Harbor Street to West First Street, east on Dorchester Street to Port Street, along Port Street to Day Boulevard, east on Day Boulevard to Day Boulevard, east on Day Boulevard to the Pierhead, northeast on the Pierhead to Castle Island Terminal, east on Castle Island Terminal to the intersection of Harbor Street and Northern Avenue.

Subdistrict K

Subdistrict K shall have the following boundaries: from the intersection of the northeast boundary of the EDIC and the pierhead line, northeast along the pierhead line to the EDIC boundary thence following the boundaries of the EDIC back to the northeast boundary.

DORCHESTER BAY BEACHES/NEPONSET RIVER

Subdistrict L

Subdistrict L shall have the following boundaries: from the east end of Castle Island along the northerly boundary of Castle Island and Marine Park to Farragut Road; south on Farragut Road to William Day Boulevard; west on William Day Boulevard to Columbia Road; west on Columbia Road to Old Colony Avenue; south on Old Colony Avenue to the intersection with Morrissey Boulevard at Koscuizco Circle. Northeasterly in a straight line from this intersection to the southeast boundary of Carson Beach; and north and northeast along the seaward edge of Carson Beach to the southeast end of Castle Island at Head Island; and northerly to the east end of Castle Island.

Subdistrict M

Subdistrict M shall have the following boundaries: from the eastern most point of the southerly boundary of the R-.8 district southeasterly along the pierhead, along the pierhead around the Columbia Point Peninsula to an intersection with the UMASS Access Road and westerly to a point on a line parallel to Savin Hill Avenue which is also the southerly boundary of an M-1 district lying north of Savin Hill, west along said line to the Southeast Expressway and northerly along the Southeast Expressway to Columbia Road and easterly Kosciuszko Circle; and northeasterly along the southerly boundary of an R-.8 district lying north of Kosciuszko Circle.

Subdistrict N

Subdistrict N shall have the following boundaries: from the intersection of the UMASS Access Road and Morrissey Boulevard, south on Morrissey Boulevard to the northerly boundary of Malibu Beach Park; westerly along the northerly lines of Malibu Beach Park and McConnell Park to the Southeast Expressway;

northerly along the Expressway to Bay Street westerly along Bay Street to Dorchester Avenue; southerly along Dorchester Avenue to Freeport Street; easterly on Freeport Street to Morrissey Boulevard; south on Morrissey Boulevard to Victory Road; easterly in a straight line to the seaward edge of the land, east, north and west along the seaward edge of the land to Morrissey Boulevard; south on Morrissey Boulevard to the Southeast Expressway; northwest, east, south, east, and north along the seaward edge of Malibu Beach to the UMASS Access Road.

Subdistrict O

Subdistrict O shall have the following boundaries: from the intersection of Morrissey Boulevard and Victory Road; westerly along Victory Road to Houghton Street; southeast on Houghton Street to Pope's Hill Street; easterly on Pope's Hill Street to Salina Road; south on Salina Road to a boundary line between the R-.8 and the M-1 zoning district, and along that boundary line to Morrissey Boulevard and the Southeast Expressway; north along the Southeast Expressway to the intersection with the line that runs easterly between the intersection of Victory Road and Morrissey Boulevard and the seaward edge of the land.

Subdistrict P

Subdistrict P shall have the following boundaries: from the western edge of the Southeast Expressway east to the shoreline of Dorchester Bay, southerly on the shoreline and the Expressway to the boundaries of the Port Norfolk IPOD to the Neponset River Bridge; southeast on the Bridge to the Boston Quincy boundary line in the Neponset River to the Boston/Milton boundary line; north on Dorchester Avenue to Adams Street; Adams Street to Medway

Street; easterly on Medway Street to the western boundary of the MDC Reservation; northward along the Reservation and the old Penn Central Railroad Tracks to Hallett-Davis Street. North to a point on Gallivan Boulevard by an extension of an M-1 zoning district boundary line in Hallett-Davis Street; east on Gallivan Boulevard and northerly along the western edge of the Southeast Expressway to the southerly boundary of subdistrict N.

PLAN OF LAND - BOSTON PROPER - SOUTH BOSTON

PDA 23

PDA 24

ZONING BOUNDARY

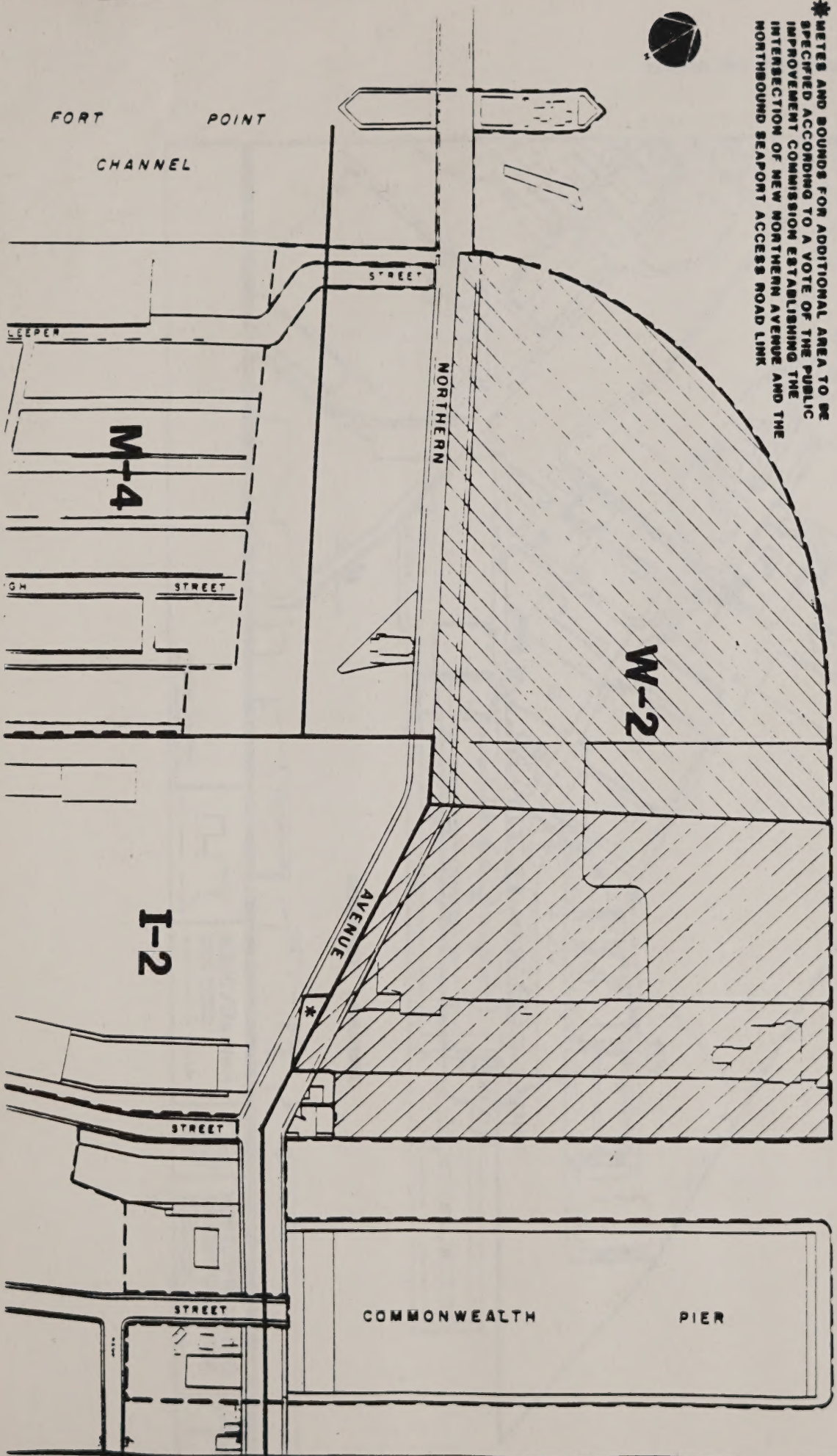
AREA NOTIFIED

* METES AND BOUNDS FOR ADDITIONAL AREA TO BE SPECIFIED ACCORDING TO A VOTE OF THE PUBLIC IMPROVEMENT COMMISSION ESTABLISHING THE INTERSECTION OF NEW NORTHERN AVENUE AND THE NORTHBOWN SEAPORT ACCESS ROAD LINK

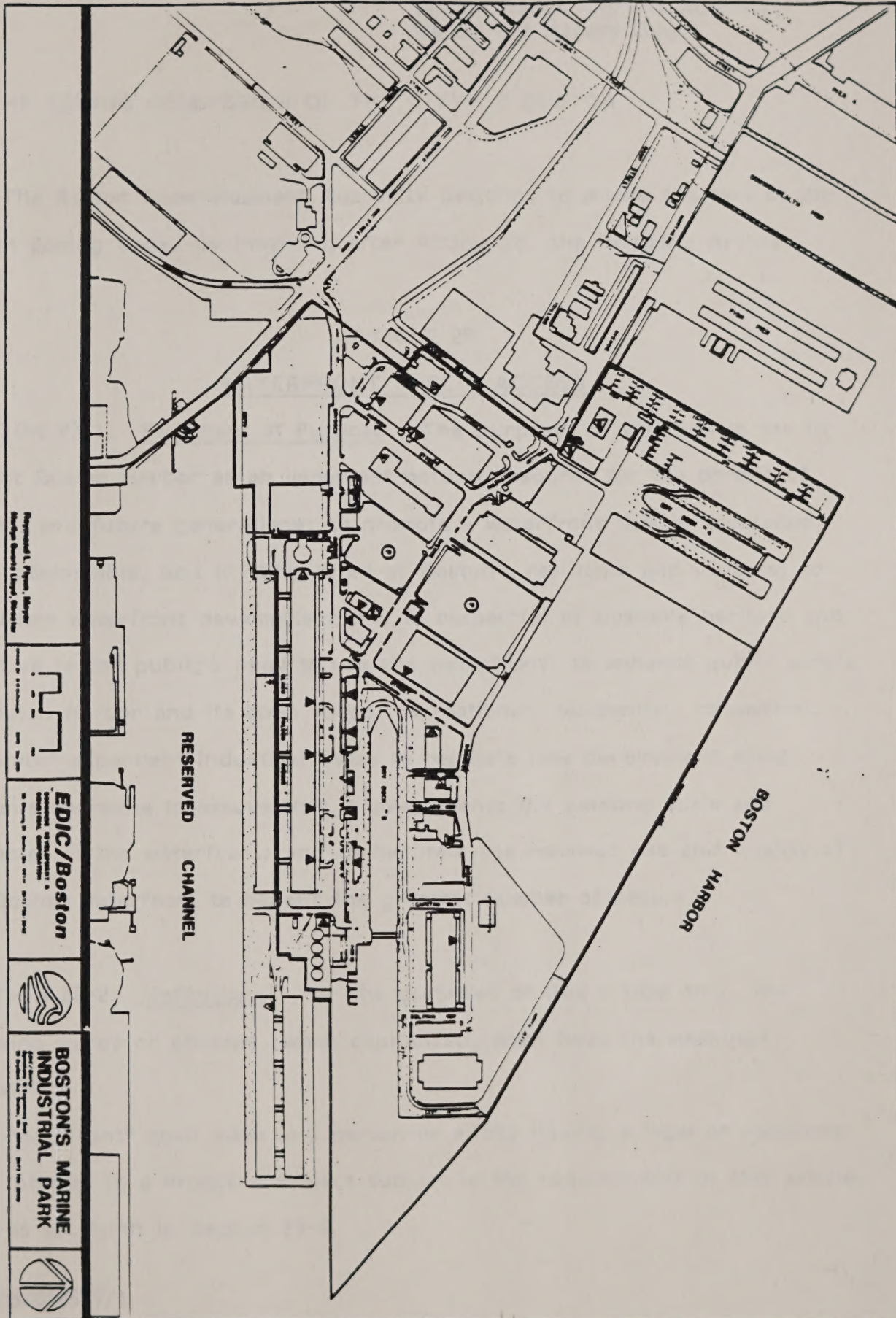
BOSTON

HARBOR

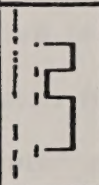
Boston Fan Piers



Boston Marine Industrial Park



Designed by L. Flynn, Manager
 George S. Gandy, Engineer



EDIC/Boston
 ENGINEERING, DESIGN, CONSTRUCTION
 100 South St., Boston, MA 02111 617-778-2044



BOSTON'S MARINE INDUSTRIAL PARK
 100 South St., Boston, MA 02111 617-778-2044



TO THE ZONING COMMISSION OF THE CITY OF BOSTON

The Boston Redevelopment Authority petitions to amend the text of the Boston Zoning Code, by inserting after Article 28, the following Article:

ARTICLE 29

WATERFRONT PUBLIC ACCESS

SECTION 29-1. Statement of Purpose. The purposes of this article are to protect Boston Harbor as an important natural resource for the benefit of present and future generations; to promote a waterfront that is accessible, safe, comfortable, and inviting to all of Boston's residents and visitors; to encourage waterfront development that is respectful of Boston's heritage and sensitive to the public's need to use the waterfront; to enhance public access to Boston Harbor and its open space, recreational, residential, commercial, and water-dependent industrial uses; to regulate new development along Boston's shoreline to assure that it complements the existing scale and character of the waterfront; and to facilitate the renewed use and vitality of the Boston waterfront to benefit the greatest number of people.

SECTION 29-2. Definitions. For the purposes of this article only, the following words or phrases, when capitalized, shall have the meanings indicated.

1. "Applicant" shall mean any person or entity having a legal or equitable interest in a Proposed Project subject to the requirements of this article, as set forth in Section 29-4.

2. "High Water Mark" shall mean the existing mean high water mark, or in the case of Piers, the seaward edges of such structures.
3. "Maritime-dependent Industrial Uses" shall mean land uses upon wharves, piers, docks, and berths and land uses upon wharves, piers, docks, berths, marine terminals, and related structures which are necessary for the transfer between ship and shore of goods or passengers transported in waterborne commerce; facilities associated with marine terminals for the storage of goods transported by waterborne commerce; manufacturing facilities relying on the bulk receipt of shipments of goods by waterborne commerce; wharves, piers, docks, processing and storage facilities necessary for commercial fishing; dry docks and other facilities related to the construction, servicing, or repair of vessels and other marine structures; and docks, wharves, berths, dolphins, or mooring facilities for tow boats, barges, dredges, ferries, commuter boats, water buses, water taxis, passenger or other vessels engaged in waterborne commerce, port operations, or marine construction.
4. "Piers" shall mean any pier, wharf, or other structure that extends seaward of the existing mean High Water Mark in Boston Harbor.
5. "Proposed Project" shall mean any construction, reconstruction, alteration, or rehabilitation of a structure for which the Applicant is required to obtain a building permit.

6. "Setback" shall mean the distance from the bottom line of the face of any wall of a structure to the line parallel to or most nearly parallel to the High Water Mark.
7. "Substantially Rehabilitate" shall mean to cause alterations or repairs to be made to a building or structure, within any period of twelve (12) months, costing more than fifty percent (50%) of the assessed value of the building or structure prior to such alterations or repairs, such value to be based on the assessed value for real estate tax purposes as of the assessment date preceding the application.

SECTION 29-3. Physical Boundaries. The provisions of this article shall apply to the area contained within the following boundaries: From the easterly most point on the Cambridge/Boston city boundary line, as measured northeasterly and easterly along said boundary from the Old Charles River Dam, westerly along the boundary line to the Old Charles River Dam; across the Old Charles River Dam to Nashua Street; Nashua Street to the viaduct connecting the Central Artery and Storrow Drive; along said viaduct to Beverly Street; southerly by Beverly Street to Causeway Street; northerly by Causeway to Commercial Street; Commercial Street to Atlantic Avenue; Atlantic Avenue to Northern Avenue. From the intersection of Atlantic Avenue and Northern Avenue; along Northern Avenue to a point on a line parallel to the water's edge at Fort Point Channel at a distance of thirty-five (35') feet from the water's edge; southwesterly along said line to the Dorchester Avenue Bridge; southerly across said Bridge to a point on a line parallel to the water's edge at the southern bank of Fort Point Channel at a distance of thirty-five (35') feet from said water's edge; to the north along the Fan Pier pierhead perimeter to its most northeasterly point; easterly along a line to the most northeasterly point of Pier IV; south to Northern Avenue; east along Northern Avenue to Viaduct Road; Viaduct Road and C Street to Bolton Street; easterly along Bolton Street to Dorchester Street; north along Dorchester Street to a point on a line parallel to East Second Street at a distance of one hundred fifty feet (150') south of the center line of East Second Street; easterly along said line to Farragut Road; Farragut Road to the northerly boundary of Marine Park and Castle Island to the east end of Castle Island. From the northeast end of Castle Island along the northerly boundary of Castle Island and Marine Park to Farragut Road; Farragut Road to William Day Boulevard; William Day Boulevard to Columbia Road; Columbia Road to Old Colony Avenue; Old Colony Avenue to a point on a line parallel to Savin Hill Avenue which is also the southerly boundary of an M-1 district lying north of Savin Hill; southeasterly on said line to Morrissey Boulevard; south on Morrissey Boulevard to the northerly boundary of Malibu Beach Park; westerly along the northerly lines of Malibu Beach Park and McConnell Park to the Southeast Expressway; northerly along said Expressway to Bay

Street; westerly on Bay Street to Dorchester Avenue; Dorchester Avenue to Freeport Street; Freeport Street to Morrissey Boulevard; south on Morrissey Boulevard to Victory Road; west on Victory Road to Houghton Street; south-east on Houghton Street to Pope's Hill Street; easterly by Pope's Hill Street to Salina Road and by the southern boundary of an I-2 district to Morrissey Boulevard; along Morrissey Boulevard to Gallivan Boulevard; Gallivan Boulevard to a point of an extension to Gallivan Boulevard of an M-1 district boundary line in Hallet-Davis Street; south on said line and Hallet-Davis Street; to the old Penn Central tracks; along the tracks to Granite Avenue and continuing along the northwest boundary of the Metropolitan District Commission Park Reservation to Medway Street; along Medway Street to Adams Street; Adams Street to Dorchester Avenue; and Dorchester Avenue to the Milton boundary line. From the northern most point of the Inner Harbor boundary, northwesterly and westerly along the Cambridge/Boston city boundary line to Austin Street; northeasterly by Austin Street to Rutherford Avenue; easterly along Rutherford Avenue and Front Street to Warren Avenue; northerly by Warren Avenue to City Square; east on Chelsea Street to Medford Street; northwest on Medford Street to Sullivan Square; from Sullivan Square northwest on Mystic Avenue to the Somerville boundary; northeast along the Somerville/Boston boundary and the Everett/Boston boundary; southwest along the Everett/Boston boundary to the boundary line in the Mystic River and along the latter boundary line to the Mystic-Tobin Bridge. Along Chelsea Street from the Chelsea River to East Eagle Street; East Eagle Street to Glendon Street; Glendon Street to Falcon Street; Falcon Street to Meridian Street; Meridian Street to London Street; London Street to Maverick Street to Havre Street; Havre Street to Summer Street to Orleans Street; Orleans Street to Webster Street; Webster Street to Jeffries Street; Jeffries Street to Maverick Street; southerly on Maverick Street to the Harbor's edge.

SECTION 29-4. Applicability. Any Applicant seeking a building permit for any Proposed Project within the boundaries described in Section 29-2 shall be subject to the requirements of this article.

SECTION 29-5. Setback of Buildings. No structure, except one used exclusively in connection with a Maritime-Dependent Industrial Use, shall be erected, altered or extended within thirty five feet (35') of the High Water Mark.

SECTION 29-6. Setback of Buildings on Piers. No structure shall be erected, altered, or extended within thirty-five feet (35') of the seaward end

of any Pier. The total Setback on each of the non-seaward edges of the Pier shall be at least ten percent of the average width of the Pier; provided that the minimum setback along each non-seaward edge of the Pier shall be twelve feet (12').

SECTION 29-7. Waterfront Access Requirements. Any Applicant seeking a building permit for exterior construction or alteration for a Proposed Project subject to the requirements of this article shall demonstrate to the Boston Redevelopment Authority how the Proposed Project's design will enhance the public's visual and physical access to the waterfront to the maximum extent feasible. Where the Proposed Project is subject to licensing requirements pursuant to Massachusetts General Laws, Chapter 91, the demonstration shall be made prior to any Boston Redevelopment Authority determination of whether the Proposed Project serves a proper public purpose.

SECTION 29-8. Criteria for Approval; Determination of Proper Public Purpose. The Boston Redevelopment Authority shall determine whether a Proposed Project satisfies the requirements of this article on the basis of:

- (a) the extent to which the Proposed Project enhances the public's overall visual and twenty-four (24) hour physical access to the waterfront; and
- (b) the extent to which the Proposed Project's public access is compatible with surrounding land uses. In making such determination, the Boston Redevelopment Authority shall take into account the form of ownership, use, and land characteristics of the Proposed Project. Where the Proposed Project is subject to licensing requirements pursuant to Massachusetts General Laws, Chapter 91, the Boston Redevelopment Authority shall determine that a

Proposed Project without any Maritime-dependent Industrial Uses serves a proper public purpose only if the Proposed Project provides visual and twenty-four (24) hour public access to the waterfront.

SECTION 29-9. Enforcement. The Commissioner of Inspectional Services shall not issue any building permit for a Proposed Project subject to this article unless the Proposed Project complies with this article.

SECTION 29-9. Severability. If any provision or section of this article shall be held invalid by any court of competent jurisdiction, such provision or section shall be deemed to be separate and apart from the remaining provisions or sections of this article and such remaining provisions and sections shall continue in full force and effect.

Petitioner: Boston Redevelopment Authority

By: Stephen Coyle, Director

Address: One City Hall Square
Boston, Massachusetts

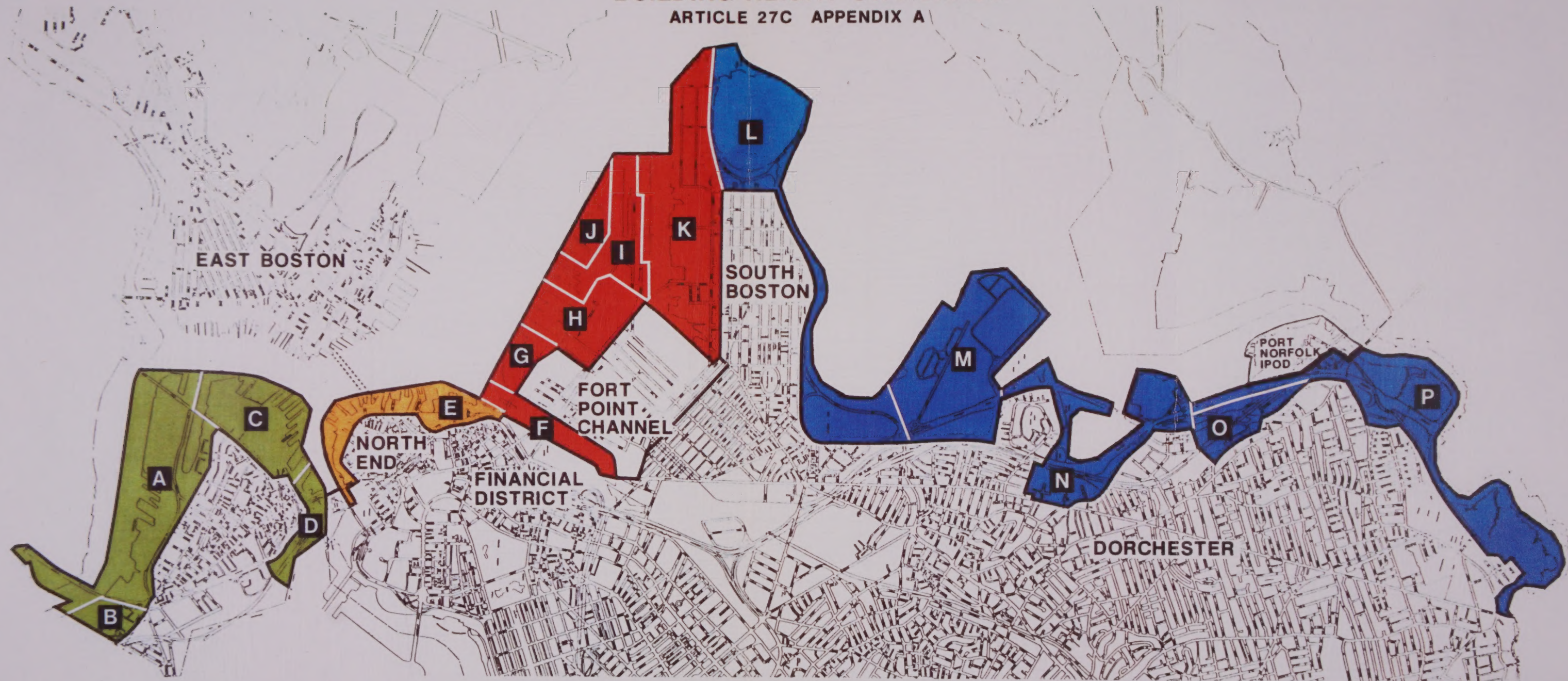
Telephone: (617) 722-4300

Date: _____

HARBORPARK IPOD

BUILDING HEIGHT STANDARDS

ARTICLE 27C APPENDIX A



SUBDISTRICT

- A - 65'
- B - 65'
- C - Charlestown Navy Yard Special Study Area
- D - 65'
- E - 55'
- F - Fort Point Channel *
- G - Boston Fan Piers Special Study Area
- H - 65'

- I - Boston Marine Industrial Park Special Study Area
- J - 65'
- K - 50'
- L - 40' **
- M - 70'
- N - 40' **
- O - 65'
- P - 40' **

- CHARLESTOWN WATERFRONT
- INNER HARBOR WATERFRONT
- SOUTH BOSTON PIERS
- DORCHESTER BAY BEACHES

* NO STRUCTURES SHALL BE PERMITTED IN THE 35' SETBACK ALONG FORT POINT CHANNEL UNLESS ACCESSORY TO OPEN SPACE USES.
 ** NO STRUCTURES SHALL BE PERMITTED IN THE PUBLICLY-OWNED OPEN SPACE AREAS OF L, N, AND P UNLESS ACCESSORY TO OPEN SPACE USES.



MEMORANDUM

February 5, 1987

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: LINDA S. BOURQUE, ASSISTANT DIRECTOR FOR
NEIGHBORHOOD PLANNING AND ZONING
JOHN LEIGH, ASSISTANT DIRECTOR FOR
HARBOR PLANNING AND DEVELOPMENT

SUBJECT: REQUEST AUTHORIZATION TO PETITION THE ZONING COMMISSION
TO ADOPT THE HARBORPARK INTERIM PLANNING OVERLAY
DISTRICT AND WATERFRONT PUBLIC ACCESS ZONING AMENDMENTS

At the BRA Board meeting of September 25, 1986, the Harborpark Interim Planning Overlay District (IPOD) zoning amendment and three related amendments were taken under advisement. The amendments included the Maritime Economy Reserve (MER), Waterfront Height Restrictions, and Waterfront Access Zone.

The IPOD and the Waterfront Public Access amendments are now resubmitted with the changes outlined below. The MER article is under study; the Waterfront Height Restrictions Article is not resubmitted. Based on the Board's comments and discussions with community organizations, the staff has been working with the community and the Harborpark Advisory Committee to formulate recommendations on which areas would be mapped as MER zones. The Waterfront Height Restrictions amendment was initially proposed to control heights along the waterfront to 55'. As the amendments have evolved, however, the IPOD now incorporates sufficient interim height standards to render the Waterfront Height Restrictions zoning amendment unnecessary.

SUMMARY OF MAJOR PROVISIONS

Harborpark IPOD

- Four planning areas are established along Boston's Waterfront: Inner Harbor, South Boston Piers, Dorchester Bay Beaches/Neponset River, and Charlestown Waterfront.
- The IPOD will be in effect for two years to allow for a rezoning of the Waterfront.
- An interim planning permit is required for most applicants seeking a change of occupancy permit, a change in use permit, or a building permit for exterior construction.
 - Residential uses of one to four units are not required to obtain an interim planning permit.
- Interim height standards have replaced interim height limits to achieve more flexibility and better site design.

- Sixteen subdistricts have height standards ranging from 40' to 70', with major portions of the waterfront having a standard of 55'.
- Changes since September in the Height Standards include:
 - Harbor Point has been revised from 68' to 70' to provide consistency with the use of flexible standards as opposed to limits.
 - The southern sector of the Inner Harbor/Waterfront area has been changed from 125' to 55' to correspond with the balance of the Inner Harbor/Waterfront.
 - The area south of the Reserve Channel has been changed from 65' to 50' to make it consistent with the adjacent 50' height limit in South Boston.
 - The northern sector of the Charlestown Waterfront has been changed from 80' to 65' to correspond with the balance of the Charlestown Waterfront.
- The height standards are shown on the Map in Appendix A of the IPOD.
- Three Special Study Areas are included in the IPOD:
 - The Boston Fan Piers project will be regulated through the PDA process. It is exempt from the interim height standards and the interim planning permit procedure.
 - Projects in the Boston Marine Industrial Park (BMIP), owned by the City, are similarly not required to obtain interim planning permits, nor are they subject to interim height standards.
 - Projects in the Charlestown Navy Yard, governed by the provisions of the Charlestown Urban Renewal Plan, are not subject to the interim planning permit requirement, nor the interim height standards.
- Boundary adjustments have been made in the IPOD area:
 - In South Boston, the area west of Commonwealth Flats has been removed from the IPOD and incorporated into the proposed new Fort Point Channel IPOD.
 - A small area between the North Washington Street Bridge and North Station has been removed since it relates more to the North Station study area and does not directly affect the Harbor.
- Parcels which have an executed Land Disposition Agreement with the City or the BRA, along with those projects with an approved Planned Development Area designation by the Zoning Commission, are exempt from the IPOD provisions.

Waterfront Public Access

- The amendment provides that no structure shall be erected within 35' of the High Water Mark, except a structure used exclusively for maritime-dependent industrial use.

- For piers, a 35' setback is required on the seaward end of the pier.
- The total setback requirement on the nonseaward edge of the pier is 10 percent of the average width of the pier, but not less than 12' on each side.
- Projects on the waterfront will be evaluated by the BRA on the basis of the extent to which the project promotes the public's overall visual and 24-hour physical access to the waterfront. A project subject to Chapter 91 would also be evaluated on the extent to which it serves a proper public purpose.

Appropriate votes follow:

VOTED: That the Director is hereby authorized to petition the Zoning Commission to adopt text and map amendments to establish the Harborpark Interim Planning Overlay District in substantial accord with the petition and map submitted to the Authority at its meeting on February 5, 1987. In making such authorization, the Authority expresses its support of the purposes of the Harborpark IPOD.

VOTED: That the Director is hereby authorized to petition the Zoning Commission to adopt a text amendment to establish the Waterfront Public Access in substantial accord with the petition submitted to the Authority at its meeting on February 5, 1987. In making such authorization, the Authority expresses its support of the purposes of the Waterfront Public Access amendment.

HARBORPARK WATERFRONT ZONING AMENDMENTS

SUMMARY OF CHANGES

SEPTEMBER 25, 1986 TO FEBRUARY 7, 1987

1. Harborpark Interim Planning Overlay District (IPOD) and Waterfront Public Access re-submitted for action.
2. Maritime Economy Reserve amendment under study.
3. Waterfront Height Restrictions amendment integrated into the IPOD.
4. IPOD Interim Heights section changed from "Limits" to "Standards"; height changes made include:
 - o Southern sector of Inner Harbor/Waterfront heights changed from 125' to 55'
 - o South Boston area south of the Reserve Channel changed from 65' to 50'
 - o Harbor Point area changed from 68' to 70'
 - o Northern sector of Charlestown Waterfront changed from 80' to 65'.
5. Minor boundary adjustments to the Harborpark IPOD include:
 - o In South Boston, the area west of Commonwealth Flats will be included in the separate Fort Point Channel IPOD.
 - o The area between the North Washington Street Bridge and North Station has been removed from the IPOD and included in the Downtown IPOD.
6. Parcels with executed Land Disposition Agreements will be exempt from the IPOD provisions to provide a grandfathering allowance.
7. The three Special Study Areas remain the same as in September. The areas are exempt from most requirements:
 - o Boston Fan Piers: no interim planning permit required; not subject to interim height standards.
 - o BMIP: No interim planning permit required; not subject to interim height standards.
 - o Charlestown Navy Yard: no interim planning permit required; not subject to interim height standards.
8. Waterfront Public Access requirements include a 35' setback, and a minimum of 12' setback on the sides of piers. The title of this amendment has been changed from "Waterfront Access Zone" to "Waterfront Public Access."

